

REMARKS

Status of the Claims

Claims 1-29 are all the claims pending in the application.

Amended Declaration from Jonathan Goldstone

Applicant has submitted an amended declaration under 37 C.F.R. § 131 from the inventor of this application, Jonathan Goldstone. U.S. Publication No. 2005/0009502 (hereinafter "Little") claims priority to U.S. Provisional Application No. 60/330,608 ("the '608 Application"). As evidenced by the declaration and attached exhibits, the invention as described and claimed in the present application was completed at least by October 10, 2001, prior to the October 25, 2001 filing date of the '608 Application. Specifically, a draft patent application dated October 10, 2001 and provided as Exhibit D with the declaration includes a draft set of claims that substantially sets forth the invention claimed in the present application. The correlation between the claims in the draft patent application and the present application is set forth in section 6 of the amended declaration. In view of the prior conception evidenced by the amended declaration and attached exhibits, Little does not qualify as prior art under 35 U.S.C. § 102(e).

Timely Filing of the 37 C.F.R. § 131 Declaration Under 37 C.F.R. § 116(e)

The declaration from Jonathan Goldstone was not earlier submitted because the Little reference was first applied by the Examiner in the final Office Action dated August 9, 2006. Thus, there was no reason for Applicant to submit a declaration under 37 C.F.R. § 131 until after

RESPONSE UNDER 37 C.F.R. § 1.116
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the issuance of the final Office Action. Accordingly, Applicant respectfully requests consideration of the submitted declaration as being timely filed under 37 C.F.R. § 116(e).

Rejections Under 35 U.S.C. § 102

Claims 1-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by Little. In view of the declaration of Jonathan Goldstone submitted herewith, Little does not qualify as prior art under 35 U.S.C. § 102(e). Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

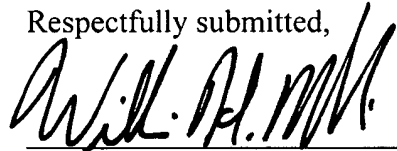
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Respectfully submitted,



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